

JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

DESARROLLADORA EL ARCA,  
S.A.P.I. DE C.V., a Mexican  
corporation,

Plaintiff,

v.

JEFFREY LYNN SMITH, an  
individual; and DOES 1 through 10,  
Inclusive,

Defendants.

CASE NO. *CV10-3889 R (VBKx)*  
(Hon. Judge Manuel Real)

**ORDER GRANTING  
DEFENDANT JEFFREY LYNN  
SMITH'S MOTION TO DISMISS  
FIRST AMENDED COMPLAINT  
PURSUANT TO FRCP 12(b)(6)**


1 Defendant Jeffrey Lynn Smith's Motion to Dismiss the First Amended  
2 Complaint of Plaintiff Desarrolladora El Arca, S.A.P.I. DE C.V ("Plaintiff"),  
3 pursuant to Federal Rule of Civil Procedure 12(b)(6), came on regularly for  
4 hearing on November 15, 2010, at 10:00 a.m., in the above entitled Court. Thomas  
5 Snyder, Esq. of Sheppard Mullin Richter & Hampton LLP appeared on behalf of  
6 Plaintiff, and David R. Shraga, Esq., of Iaffaldano Shaw & Young LLP appeared  
7 on behalf of Defendant.

8 The Court, having read and considered the papers and arguments submitted  
9 by the parties and finding good cause therefor, hereby orders that Defendant's  
10 Motion to Dismiss the first and only cause of action for fraud set forth in the First  
11 Amended Complaint is hereby GRANTED for the reasons stated on the record.

12 The Court ORDERS that the First Amended Complaint is hereby dismissed  
13 with prejudice, and ORDERS further that leave to amend is denied for failure to  
14 cure the deficiencies by the amendment previously allowed and futility of  
15 amendment, as stated on the record.

16 **IT IS SO ORDERED.**

17  
18 DATED: November 17, 2010

  
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HON. MANUEL L. REAL  
JUDGE OF THE UNITED STATES DISTRICT  
COURT OF THE CENTRAL DISTRICT OF  
CALIFORNIA